

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, MARCH 26, 2015

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, March 26, 2015, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Russell
Councilpersons:	Showers, Robinson, Culver, Kling
Mayor:	Battle
City Administrator:	Hamilton
Deputy City Attorney:	Cates
City Clerk-Treasurer:	Hagood

President Russell called the meeting to order.

Rev. Donell Koch, Light of Christ Center, led the invocation; Councilwoman Robinson led the pledge of allegiance.

The Minutes of the Regular Meeting of the Council on March 12, 2015, were approved as submitted.

President Russell stated that the next item on the agenda was Resolutions and Special Recognitions.

President Russell recognized Mayor Battle.

Mayor Battle asked Mr. Steve Ivey, Director of Parks and Recreation, to come forward, along with Madison County Commissioner Phil Riddick. He stated that there was a special

presentation, as well as discussion of a special event to occur on the following Saturday.

Mr. Ivey stated that Commissioner Riddick had been a good friend to the Recreation Department and that he was coming at this time with a \$10,000 donation toward the new Tennis Center. He stated that he believed they could make this happen, that if they could get additional partnerships in the city, he believed they would be able to have the additional courts the tennis community wanted.

Commissioner Riddick stated that the new park in South Huntsville would open on the following Saturday and it would be a big day. He stated that at 8 a.m. there would be a 5k run, called "Run for the River." He stated that they would start at the new park, on Chaney Thompson, on the Greenway, and run to Ditto Landing and back. He continued that the opening ceremony for the park would be at 11 a.m., and then there would be a day of festivities, hosted by Huntsville South, a civic association in the area. He stated that there would be a lot of activities, including food trucks, booths with various vendors, et cetera.

Commissioner Riddick stated that the first phase of the park would be opening on Saturday, and that there was also a pavilion, a playground, and an approximate 9-acre wooded dog park. He continued that he believed there would be disc golf, although it might not be completed. He stated that soon they would also be announcing a new phase of the park. He

stated that they were really excited about this, noting that it had been a long journey, and that they were glad it was finally time for the park to open.

Mr. Ivey stated that this was just the start of the Southside Park, noting that there may be an expansion of the dog park, as well as other phases they were discussing. He stated that there were a lot of opportunities that they could partner in, and that they were looking forward to making this a jewel for South Huntsville.

Mayor Battle thanked Commissioner Riddick for his partnership in this, noting that the Madison County Commission had provided the land, and the City had done some of the work and the County had done some of the work. He continued that Commissioner Riddick had even had paint splattered on him, where he had been painting so that the park could be ready on time.

Mayor Battle stated that this was certainly a true partnership. He continued that recently Commissioner Haraway had been present at a Council meeting, partnering with the City on paving some roads. He stated that they wanted to thank the entire County Commission for their partnership, noting that it made all their jobs work very, very well.

Commissioner Riddick stated that the County did not have a Parks and Recreation Department and stated that it was really great that they could provide some funds to assist the City in providing this additional quality of life that they had.

President Russell stated that item 15.d on the agenda, would be taken out of order at this time.

President Russell read and introduced a resolution authorizing the acceptance of donations, as follows:

(RESOLUTION NO. 15-199)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution commending Donna Castellano and Dianne Burch for their efforts in organizing the Sidewalk Arts Stroll, as follows:

(RESOLUTION NO. 15-198)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Mayor Battle asked Ms. Castellano and Ms. Burch to come forward. He stated that they had been in charge of the Sidewalk Arts Stroll in Downtown Huntsville and had done a terrific job for nine years, that they had provided an arts stroll that made the downtown area alive and vibrant. He continued that they had decided to pass this torch to some other persons and they would be doing some other volunteer activities.

Mayor Battle stated that he wanted to thank them for what they had done for the city and that he had a resolution to present to them, as well as coins from the City. He thanked

them for what they had done in this regard, noting that there were nine years of great activity in the downtown area.

Ms. Castellano stated that they could not have done it without the City's support, as well as the support of many persons in the community and the wonderful City workers who had been with them every step of the way. She stated that it had been wonderful to be a part of the revitalization of the downtown area.

President Russell stated that item 15.i on the agenda had been deleted.

President Russell stated that the next item on the agenda was Public Hearings to be Held.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 15-65, rezoning property lying on the east side of South Shawdee Road and east of South Village Square Road and property lying on the west side of South Shawdee Road and on the south side of Nature Trail Road from Residence 1 District to Residence 1-A District, which hearing had been set at the February 12, 2015, Regular Council Meeting.

President Russell recognized Ms. Ashley Nichols of the Planning Department.

Ms. Nichols stated that this property was approximately 235.87 acres, and that there were two separate tracts, located on the east and west sides of South Shawdee Road. She stated that these properties were currently zoned Residence 1 District

and the property owner would like to petition a rezoning for Residence 1-A District. She stated that this had been recommended by the Planning Commission. She continued that this was currently vacant land and would be used for future residential development.

President Russell asked if there was anyone in the audience who would like to address the Council on this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

Councilman Showers moved for approval of Ordinance No. 15-65, rezoning property lying on the east side of South Shawdee Road and east of South Village Square Road and property lying on the west side of South Shawdee Road and on the south side of Nature Trail Road from Residence 1 District to Residence 1-A District, which ordinance was introduced at the February 12, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-65)

Said motion was duly seconded by Councilwoman Robinson.

President Russell inquired of Ms. Nichols as to the difference between "Residence 1 District" and "Residence 1-A District."

Ms. Nichols stated that she could display a chart which would make this somewhat easier to understand. She stated that the major difference was the lot area, noting that for

Residence 1 District the minimum lot area was 15,000 square feet and that for Residence 1-A District it was 12,000 square feet. She stated that for this particular property, the property owner had not offered plat restrictions, but the lots would be a minimum of 15,000 square feet because there would be septic tanks for each home that would be developed. She stated that, basically, the requirements would remain the same. She continued that they were particularly interested in the smaller side yard setback.

President Russell asked if there was any further discussion of this matter.

There was no response.

President Russell called for the vote on Ordinance No. 15-65, and it was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 15-67, rezoning property lying on the west side of McMullen Lane and north of Little Cove Road from Residence 1 District and Residence 1-A District to Residence 2 District, which hearing had been set at the February 12, 2015, Regular Council Meeting.

President Russell recognized Ms. Nichols.

Ms. Nichols stated that this property was approximately 143.83 acres and was located on the west side of McMullen Lane and north of Little Cove Road. She stated that the property was currently split zoned between Residence 1 District and Residence 1-A District. She stated that the property owner was

petitioning that the area be rezoned to Residence 2 District, which she noted was consistent with the adjacent zoning east of the property. She stated that this was currently vacant land and would be used as a future addition of the existing subdivision.

President Russell asked if there was anyone in the audience who would like to address the Council on this particular matter.

There was no response.

President Russell stated that the public hearing was closed.

Councilman Kling moved for approval of Ordinance No. 15-67, rezoning property lying on the west side of McMullen Lane and north of Little Cove Road from Residence 1 District and Residence 1-A District to Residence 2 District, which ordinance was introduced at the February 12, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-67)

Said motion was duly seconded by Councilman Showers.

President Russell asked Ms. Nichols for an explanation of the differences between "Residence 1 District," "Residence 1-A District," and "Residence 2 District."

Ms. Nichols stated that, again, the major difference would be the lot size. She stated, concerning this particular owner, that when a portion of the property had been rezoned from Residence 1 to Residence 1-A several years prior, there had

been interest in having a larger lot size, but at this time there was interest in having a more dense subdivision, so that this was the reason for petitioning for the Residence 2 District.

President Russell asked if, basically, there were just marketing reasons, that the market changed and persons wanted different size lots, that they did not want as large lots as they had previously wanted.

Ms. Nichols replied in the affirmative.

President Russell asked if there was any further discussion of this matter.

There was no response.

President Russell called for the vote on Ordinance No. 15-67, and it was unanimously adopted.

President Russell stated that the next item on the agenda was Communications from the Public. He stated that as he called a person's name, that person should go to the microphone and state their name and address, and that they would then have three minutes to address the Council.

Mr. Bobby Hayden, 6032 Normal Heights Circle, appeared before the Council, stating that he was present to support the renaming of Church Street as "Dr. Joseph E. Lowery Boulevard." He stated that his rationale for supporting the renaming of this street would have to go back to 1809, with thanks to John Lowery, who had moved from Virginia to Huntsville and set up a slave-trading business. He stated that he had operated

this business for some years, although he was an abolitionist. He stated that the middle name of Dr. Joseph Lowery, "Echols," was his grandfather's name, who was a slave on the Lowery Plantation, which was located off of Meridian Street.

Mr. Hayden stated that after a time, John Lowery had given up slavery, and that among the slaves he had given up was Echols Lowery, who later became LeRoy Lowery's father. He continued that LeRoy Lowery became Joseph Lowery's father on October 6, 1921. He stated that Dr. Lowery, born in the same spirit of his great grandfather, had always worked to make life better for everyone. He stated that while Dr. Lowery was a student at Alabama A&M College, he had encouraged creation of the Negro Boy Scouts of the Tennessee Valley.

Mr. Hayden stated that Dr. Lowery had done well in Huntsville until World War II ended in Europe in 1945. He stated that at that time there were many German POWs in different cities around the state, and that after that time. persons had said to Dr. Lowery, "Joe, with all the money your father has, you can't go in a café and purchase a cup of coffee, but men that we defeated and captured can go in and out every day." He stated that after that remark, Dr. Lowery had left Huntsville and had been away since that time.

Mr. Hayden stated that in Huntsville there was nothing that resembled a man of his complexion, the name of a street, a building, or anything. He stated that they had paid the ultimate price He continued that during the Viet Nam War,

leaflets would be dropped every day saying, "Brown GI, why are you fighting so hard? You can't buy a sandwich in the USA." And "You are right, I can't buy a sandwich, but I am fighting because I gave my word I would defend the Constitution of the United States. The only thing of value I really have is my word."

Mr. Hayden stated that this was why he was asking the Council to name Church Street "Dr. Joseph E. Lowery Boulevard." He stated that if they could not do this, there was no compromise with another name. He continued that he did not have a compromise in defending the Constitution, that he had defended it with everything he had.

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before the Council, stating that he wanted to go back and attempt to understand what was "parity" and "fairness," noting that he should apologize for his ignorance in this arena.

Mr. Timberlake stated that what he would like to address at this time was complying with the Open Meetings law in the city. He stated that he believed that by the Council members being duly elected, they had accepted the awesome responsibility to see that all citizens in Huntsville, Alabama, were treated with dignity and respect and that no one unlawfully, and especially under the color of law, interdict, impede, banish, or ban any of their rights.

Mr. Timberlake stated that, however, there was an entity in the city that he believed was doing this very thing, and

that this was the Huntsville Hospital Authority. He stated that for a number of years, he had appeared before the Council beseeching and begging each of the Council members to ask the Huntsville Hospital to allow citizens in general, and himself in particular, to attend their committee meetings. He stated that to this date, for some reason, the Huntsville Hospital Authority had been able to not do so.

Mr. Timberlake stated that he had taken the time recently to acquire this law, the Alabama Open Meetings law, 2005. He asked the Council to assist him in alleviating his ignorance by finding the law that superseded this law and granted Huntsville Hospital the authority not to cease and desist from denying citizens the opportunity and privilege to attend the meetings he had previously mentioned. He stated that he believed this was a sacred right, as much as voting or paying taxes, that it was a sacred right in just being an American, as the illustrious veteran had said before him. He stated that as a veteran himself, he had fought for justice and freedom and had been severely wounded in his endeavor.

Mr. Timberlake stated that if the Council could not get this Board to do this on its own, that when they confirmed persons to this Board, they should ensure that they would be amenable to making the meetings open.

Ms. Jacquelyn Reeves, 4132 Cove Valley Drive, appeared before the Council, stating that she was again present as the President of the Huntsville-Madison County Historical Society

and a member of the Hundley family. She stated that Pat Tumminello had sent her regrets that she could not be in attendance at the meeting.

Ms. Reeves stated that while she and Ms. Tumminello absolutely agreed that there should be a street named for Dr. Lowery, they wanted to ask if the Council would consider naming another street for Oscar and Bossie Hundley, in accordance with their contributions to the community, or wanted to ask that there at least be some sort of a compromise so that both names could be used.

Mr. Elbert Peters, 1701 Jeannette Circle, appeared before the Council, stating that he wished to address an issue that he felt was a matter of public safety, which was tailgating. He stated that it might appear odd to the Council members that he would bring up tailgating but stated that there needed to be more public awareness of the danger involved with this. He stated that he believed tailgating ranked not far behind driving while intoxicated and texting while driving.

Mr. Peters stated that although tailgating was dangerous, if one looked at Memorial Parkway, University Drive, or some of the other main thoroughfares in Huntsville, one would see persons a half second, or even a quarter of a second, behind the car in front of them. He continued that there was no possibility that that person could stop their vehicle if something went wrong in front of them.

Mr. Peters stated that some persons talked about staying

back a car length for each 10 miles one was traveling, that if one was going 40 miles per hour, one should be back four car lengths, and if they were going 60, then six car lengths. He stated that a better way of doing this for persons who were not elderly and had their reaction time slowed would be the two-second rule. He stated that if persons saw a car in front of them go by a sign on the street, they should say "1,001, 1,002, 1,003," and that if they got to the sign before they completed 1,002, then they were going too fast, and they were too close, so that they should back off a little.

Mr. Peters stated that for a person his age, they recommended that it be three seconds, so that when he was out on the street if he noticed a car go by a sign or a mark on the road, he would say "1,001, 1,002, and 1,003," and if he was closer than three seconds, he would back off some. He stated that if someone wanted to cut in front of him and get a half-second behind the car in front of them, they would have delayed him one-half second in getting to where he was going.

Mr. Peters stated that he was not one of those people who went down the Parkway at 40 miles per hour and everybody was piling up behind them, that he might get a ticket sometimes because he did move on, but that he would still keep that three-second distance.

Mr. Peters stated that what he was asking was that the Council ask the police force to ticket some folks concerning this, noting that he believed there was a law that said

following too closely was a ticketable offense. He stated that also they needed to have the media make persons aware of how dangerous it was to follow too closely.

Mr. Peters stated that persons did not have to look very far to see persons who were following a half second behind when it should be at least two seconds. He asked that they just enforce whatever ordinance was on the books regarding tailgating, and if it was not a sufficient ordinance, that they develop one, so that the public would be safer.

Mr. Peters stated that when one saw a multi-car pile-up on the Parkway, University, or some other well-traveled street, he believed that they would find that the cause of this was tailgating. He continued that the initial cause of the accident might be something else, but that if it was multi, it most likely involved following too closely. He stated that he had even seen two police cars so close together that if one of them had had something go wrong, the other one would have slammed into it. He continued that he had also seen two HEMSI ambulances with not more than a half-second distance between them.

Mr. Peters stated that what he was asking for was enforcement, public awareness, and a new ordinance if need be, so that the tailgating would be stopped in Huntsville and it would be a safer city.

Councilman Kling stated that Mr. Peters had contacted him earlier in the day about this and stated that he certainly felt

he had raised some relevant issues. He asked if the appropriate department could research this matter and send some information to the Council and the Administration as to what ordinance was on the books concerning tailgating.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that she would like to echo everything Mr. Peters had said, and that she would also like to add speeders to this, noting that this also needed to be stopped in the city. She stated that she could be going down Holmes Avenue, which had a marked speed limit of 40, and she would be trying to go with the traffic and would look at the speedometer and it would be past 60. She continued that she would be the one to get a ticket, when she was trying to tell the Council that people would run over her if she were traveling at the proper speed. She stated that she would advise the persons on bicycles to get off the streets and get on the sidewalks.

Ms. Reed stated that the roads in the city were a nightmare and asked when the tax dollars would take care of the roads, if it would all start the following year, in election year. She stated that the snow did not cause all the problems with the roads, that they had already been present.

Ms. Reed stated that she would like to comment on item 13.a on the agenda, concerning the fire fighters' pay. She stated that she had been told that this was a flawed plan and it needed more study before it would be considered by the

Council. She stated that the Police Department was also bringing up concerns about this item. She stated that she believed they needed to bring everyone in and work this out. She stated that neither the personnel in the Fire Department nor the Police Department made enough money.

Ms. Reed stated that she would like to thank Joy McKee and whomever for cleaning up Holmes Avenue, noting that she really appreciated this.

Ms. Reed stated that she needed to learn a lot more about easements, as to who owned the easements and why they were being vacated and what was being done for whom in the vacation of the easements. She stated that she wished they would have a meeting where this could be explained. She asked who owned the utility rights-of-ways, noting that Utilities said they did not, that the City did. She asked if someone could put a fence over an easement. She stated that fences were going up and that Utility personnel could not get through, but then they would go on someone else's property to do their work. She stated that she just wanted to know more about easements in the city. She stated that they were pitting neighbor against neighbor by persons not knowing who owned the utility easements.

Ms. Reed stated that she did not believe the Utility contractors were reading the meters correctly.

President Russell asked Ms. Cates if she would give a brief explanation as to the difference between an "easement"

and a "right-of-way."

Ms. Cates stated that a right-of-way was more like the streets and roads and an easement was more like a utility and drainage easement. She stated that perhaps they could talk after the meeting if there were more specific questions.

President Russell asked who owned the right-of-way.

Ms. Cates stated that the City owned it.

President Russell asked who actually owned a utility easement.

Ms. Cates stated that she was not certain but that she believed it was dedicated as a utility easement.

Mr. Shane Davis appeared at the microphone.

President Russell asked Mr. Davis if he would like to comment on this matter.

Mr. Davis stated that, as Ms. Cates had said, a public right-of-way was owned by, typically, the City of Huntsville, or the municipality, or the State of Alabama, depending on who would have jurisdiction of the road. He stated that an easement could be a little different, that on most of the easements in the city, the landowner still owned it, but the City had acquired a right to use it when they needed it, underground, for gas, water, sewer, or electric, but that the top side of it, the grass area or the pavement area, was still the private property owner's right. He stated that there were some easements the City owned fee simple, noting that this was for utility purposes only but the City owned it outright. He

stated that it could be either way on a utility easement, but that typically it was owned by the homeowner or landowner, and the City had either been granted or had purchased the right to use the underground portion of it for utilities.

President Russell stated that he believed Ms. Reed's question had been if there was a utility easement in someone's back yard, could that person erect a fence on the easement.

Mr. Davis replied in the affirmative, stating that that was typically the private property owner's property.

Councilman Kling stated that he felt it might be helpful to explain that the responsibility of cutting the grass on the easement and maintaining it would go to the property owner and not to Huntsville Utilities or the City. He asked if this was correct.

Mr. Davis replied in the affirmative. He stated that when the City got a right to use the utility and drainage easement, it was typically to use the underground portion, to let a utility lie underground, and that the top side of it, whether it would be a parking lot or grass, would be the private property owner's responsibility.

Councilman Kling asked if it was correct that if a tree had a dead branch on it, the responsibility for the maintenance of the tree would lie with the property owner.

Mr. Davis stated that that was correct, noting that the City would not own anything aboveground. He stated that, however, if the City or Huntsville Utilities went on the

easement to make a repair, they would have to repair the aboveground structure in like condition as they had found it, so that if it was a parking lot, it would typically be replaced, or if there was sod, the sod would be replaced.

Ms. Cates stated that it was typically that they got to use the easement for the purpose for which it was intended, that if it was a drainage easement, it was used and maintained for drainage purposes. She stated that the City's duty to maintain it would be to maintain it for drainage purposes, so it could be used for that intended purpose. She continued that the City did not have a responsibility to maintain it for other purposes, or for the property owner's purpose.

Mr. Davis stated that Ms. Reed had commented that a lot of times one saw requests for vacation of easements come before the Council. He stated that in subdivisions, most side lots and rear lots automatically defaulted to an easement, just as a precautionary matter, and that as a subdivision was developed and all utilities were placed in the community, the City might not have a need for an easement, and it would be the property owner's right to request vacation of the easement. He continued that then there was a channel this would go through, starting with Huntsville Utilities, and then through several City departments, such as Engineering and Zoning, to determine if they had a need for it, and that they also determined if there was a need for it by AT&T or a private utility, and that if there was a not a public need for it, it would be given

back. He stated that this was a policy the City had always had.

Mr. Davis stated that there were a lot of requests that came in and got denied, either by Huntsville Utilities, Engineering, or for some other reason. He stated that when one did see one that was on the agenda, it had gone through all the departments, public and private, and it had been determined that there was no public need for it.

President Russell asked if the Council members had any further questions for Mr. Davis.

There was no response.

President Russell asked Mr. Davis to meet with Ms. Reed and make sure he had answered all her questions.

Mr. Joseph Lee, 5106 Sunrise Trail, appeared before the Council, stating that he was appearing to support the naming of a major street in Huntsville for Joseph Lowery. He stated that he thought the reason was pretty obvious. He continued that in 2001 Atlanta had named a street for Joseph Lowery. He stated that Dr. Lowery was the founder of the Southern Christian Leadership Conference. He stated that at the time of the founding of this organization, Dr. Lowery was not considered a famous person by most Alabamians. He continued that Dr. Lowery had been born in Huntsville. He stated that there were quite a few significant individuals, dating back not to just the Civil Rights era but also back to Reconstruction, the 13th Amendment to the Constitution, et cetera, that had favor

in Huntsville.

Mr. Lee stated that they had begun looking at the history of African Americans in Huntsville but had really not done it as well as he felt they should, as a city. He stated that Alabama was a premier place in terms of Civil Rights and was also a premier place in terms of Reconstruction and in terms of the history of African Americans in general, particularly if one took into consideration the historical black colleges and universities. He stated that there were quite a few things that were significant in the city that related to African American history.

Mr. Lee stated that he believed Dr. Lowery needed to be honored by the City, noting that he had been presented the Presidential Medal of Freedom by the President of the United States for his contributions to America, and that he believed the Council should honor him with the naming of a street.

Mr. Lee stated that he believed his wife would like to comment at this time.

Ms. Juanita Lee appeared before the Council, stating that she agreed with everything her husband had said, and that she would also like to say that Huntsville was a leader in Alabama, as well as a leader in the nation. She stated the Council had an opportunity to do something that was the right thing to do. She stated that the nation, the state, and the city were looking to them for the leadership they had been elected to do. She stated that she and her husband were present to just urge

them on to do the things they did so very well.

Ms. Sherry Saunders, 6231 East Upper River Road, Somerville, Alabama, appeared before the Council, stating that she would like to read a statement she had written. She thanked the Council for the opportunity to stand before them to discuss briefly the upcoming campaign of purposeful negotiations and much-needed investigations backed by herself and the Committee to Protect the Homeless organization.

Ms. Saunders stated that the prior week, she had attempted to obtain a reprieve of a shutoff of the utilities at Huntsville Utilities for a local young mother of two children under two years of age, who lived off of Drake Avenue. She continued that this woman's husband had left her and the marriage with unpaid electrical bills and rent.

Ms. Saunders stated that she had been unable to bring a solution to this young family that would be satisfactory for them up to this point, so that she was coming before the Council to ask for their attention to the plight of the endangered pre-homeless or circumstantial indigent population, so that positive community-based relief for emergency needs could be rehabilitated quickly, keeping these endangered individuals or families from becoming tomorrow's new clients of the local non-profits such as NACH or the Downtown Rescue Mission.

Ms. Saunders stated that in the coming weeks, she would present a plan of action to remedy this situation, and that she

would need to hear the Council members' feedback on this matter.

Ms. Saunders stated that, secondly, she wanted to announce a new initiative for integration into the community called "The Citizens Review Board." She stated that a brief description of the agenda of this group would be to allow for transparent and open dialogue and negotiations between the elected or non-elected City officials, its judicial branches, including the police and court systems, with the common everyday man or woman on the streets of Huntsville.

Ms. Saunders stated that the truth for Madison County, Huntsville, and the City of Madison, was that multiple agencies were investigating the civil rights violations rampant across the county and many areas of governance. She stated that her organization, the CPH, had been contacted by an authoritative, outside agency to get an assessment of allegations of misconduct on a grassroots, ground-based level. She continued that she was the lead investigator and that she answered only to Rodney Cole, Executive Director of the CPH, with her results.

Ms. Saunders stated that she would be requesting an assessment of the City's police like the Ferguson, Missouri, investigation and a thorough assessment of its judicial branch for any biased behavioral misconduct. She stated that these investigations would be monitored by the outside agency requesting this study due to some concerns for safety and fear

of backlash by herself. She stated that with the extremely tentative nature of the discussion of evidence or written interviews, she was asking for the Council's acceptance of her role in this matter, and stated that she hoped to establish open and transparent relationships with all parties involved. She stated that she trusted that her past dialogues with the Council would reassure them that her intention was to assist this great city to be better tomorrow, and even better the day after that.

Ms. Saunders stated that by this time, most of the Council members were aware of her lawsuit in Madison Circuit Court with her past employer, Huntsville Hospital, over civil rights violations and other employment-related matters. She stated that she wanted them to understand that workplace bullying and violence was a serious problem. She continued that she had made it a personal mission to assist in its eradication.

Ms. Saunders stated that both of these issues were systemic with authoritative agencies such as hospitals, police departments, and courts that held all the power and carried none of the responsibility of misbehavior. She stated that she felt positive that these issues could be resolved with supportive effort and negotiations by all parties involved.

Ms. Saunders thanked the Council for their time.

Ms. Regina Colston, 6412 Flo Drive, appeared before the Council, stating that she was present to support the renaming of Church Street in honor of Rev. Joseph Lowery. She stated

that Dr. Lowery, because of his great work on the great Civil Rights battlefield, was responsible for transforming not only Alabama and the United States but around the world, at Tiananmen Square, the Solidarity Movement, where persons had said such things as "I have a dream" and had sang "We shall overcome."

Ms. Colston stated that persons should be unanimous in making sure that this great man was honored, because when they honored Dr. Lowery, they also honored Huntsville, because he had come out of the red clay of Alabama.

Ms. Colston stated that she was appealing to them to do the right thing, as people of vision, the morally right thing. She continued that they had taken a lot from the black community, that they had taken downtown, under the guise of urban renewal; that they had put Alabama A&M out of the periphery of the city. She asked that the Council give them this, noting that all they were asking for at this time was a street.

President Russell stated that there were no Huntsville Utilities Items on the agenda, but there was a question a citizen had brought up and he also had a question. He asked Mr. Joe Gehrdes of Huntsville Utilities to come to the microphone.

President Russell stated to Mr. Gehrdes that he was certain he had heard the question concerning a family that was unable to pay their utility bill and some of the problems this

had caused. He asked if Mr. Gehrdes would go over some of the programs that were available for citizens when they were having a problem such as this.

Mr. Gehrdes stated that there were a number of agencies, mostly faith-based, in the community that would help families in need of assistance in this regard. He stated that he could not go into any specifics concerning this at this time but stated that he would be happy to speak with Ms. Saunders about that situation. He continued that she might have attempted to go through the channels he had mentioned and stated that he would need to know more specifics about this particular situation to be able to look into it further, but that he would be very happy to do so.

President Russell stated to Mr. Gehrdes that earlier in the day they had had the privilege of listening to Governor Bentley discuss his solution to the \$700 million General Fund shortage the State faced. He stated that Governor Bentley had stressed that his solution would be fair taxes and ones that made sense to the public, and with which most citizens could agree. He stated that one of these proposals was to eliminate the license tax exemption of 2.2 percent on municipal utilities.

President Russell stated that speaking on behalf of the Council and the people they represented, they believed that the services of Huntsville Utilities were a basic need and they saw no reason to increase these costs without adding any value.

President Russell asked if in Huntsville Utilities' opinion, this tax was fair.

Mr. Gehrdes stated that in their opinion, it was not fair, and that they were opposed to it. He stated that House Bill 276 would be coming before a committee that would debate it in a few weeks. He stated that Huntsville Utilities had done some analysis of the bill and that for several reasons, they would not characterize it as fair. He continued that President Russell had already covered some of this in his comments.

Mr. Gehrdes stated that this was government taxing government. He continued that Huntsville Utilities was an arm of the City of Huntsville, even though financially they had a great deal of separation. He continued that in this separation was Huntsville Utilities's sole reliance on their customers, in the rates that they paid for the utilities that Huntsville Utilities served them. He stated that they did not put any tax burden on the City or the State, nor did they receive any revenue from the City or the State. He continued that their infrastructure was solely funded by their customers.

Mr. Gehrdes stated that the question had been framed as to what benefit their customers would gain by this exemption being lifted and stated that there were none that they could see. He stated that there had been no plan announced to use any of this added revenue to the State to make their system robust, or any municipal system across the state.

Mr. Gehrdes stated that this was something that they wanted to be very clear on, that this did not affect just the customers of Huntsville Utilities but any customer of any municipal utility across the state of Alabama. He stated that through their analysis, they could not find any distinction between electric, water, sewer, and natural gas. He stated that of those four, two of them were essential services for life, being the water and the wastewater piece. He stated that, therefore, they were taxing persons on something they had to have.

Mr. Gehrdes stated that there was an argument relative to the fairness comment, concerning customers of investor-owned utilities, that these utilities were paying this license tax. He stated that this was apples and oranges, that Huntsville Utilities was a not-for-profit municipal public entity, and that while they did business, they were not a business, that they were a service organization to the residents of the community, as was any municipally owned utility.

Mr. Gehrdes stated that it was not fair to compare a business that had a responsibility to shareholders with a focus on profit margin to a not-for-profit municipally owned entity.

Mr. Gehrdes stated that there were some things about the bill that were unclear and he thought the committee that would discuss it in Montgomery would clear up some of these things, but that their math showed that their customers would bear about a \$13 million cost annually to the State of Alabama if

this bill were to pass.

Mr. Gehrdes stated that if a person was a Huntsville Utilities customer or a customer of any municipal utility across the state and felt this was a bad idea, they were urging them to let their elective representatives at the State level know this. He stated that they were going to fight this one as hard as they could.

President Russell stated that, according to his recollection, United Way had done a survey and that the number one need in the community was lower utility rates, that persons were having trouble paying their utility bills. He stated that the Governor was not choosing to do a sales tax increase because it would affect the poor greater than it would the rich, and that this struck him in the same way because everyone had to pay utilities, and this would affect the people who were struggling more so than the people who were not.

Mr. Gehrdes stated that it was most certainly regressive in that regard because it would be a 2.2 percent addition to their gross receipts, which would mean that their customers would have to bear that burden because they were a not-for-profit municipal entity. He stated that what was particularly distressing in that regard to them was that it did not spread evenly, because they had customers who received more services than others. He stated that, obviously, persons received city sewer, and there might be a customer that was receiving all three of the services that they provided,

electric, water, and gas, so they would be paying this 2.2 percent on every service they received. He stated that especially in the older parts of the city, where they did have all services available, they had customers that received all three, as well as sewer from the City. He stated that that was not fair or equitable, in their opinion.

Councilman Culver stated that he would like to address a couple of things, including the speaker who had spoken earlier, as related to her needs.

Councilman Culver stated that he shared the views of Huntsville Utilities in terms of not raising the taxes. He stated that one of the boards to which the Council had appointed him, the Community Action Partnership Board, helped persons with utilities and rent assistance, as well as other needs. He stated, concerning enhancing the quality of life for people, that this organization, in his opinion, was one of the foundations that contributed to this. He stated that along those same lines, they got Federal funding that they used to help people who needed utility assistance in the winter and in the extreme heat of the summer. He stated that these Federal funds had actually been cut.

Councilman Culver stated that to have a tax that would put even more burden on persons who fell in this category was very regressive. He stated that they certainly wanted to look at this and do all they could to prevent it from happening.

Councilman Culver stated that if the person who had spoken

concerning the utility bill would call the Community Action Agency at 256-851-9800, they would do anything they could to help this family. He continued that they did not have a lot of money but they did prioritize the needs of the residents and do as much as they could to help them.

Councilman Culver stated that he also wanted to mention what they did at Huntsville Utilities, in terms of the monies they expended in helping persons. He stated that he had sent two families to them in the current week. He continued that they had always been able to help persons if there was an ascertainable need.

Councilman Culver stated to the previous speaker concerning this matter that they could put her in touch with civic organizations and church groups that would also assist in this regard, noting that there were several in Huntsville. He stated that if Community Action Partnership could not help her, if they just did not have the money, they would do their best to put her in touch with some of the other organizations who might have some funding available.

Councilman Kling stated that he understood that Councilman Culver and Mr. Gehrdes were going to work to see if some relief could be provided specifically to the case that the speaker had previously referenced, noting that he believed this would be a good thing.

Councilman Kling stated, concerning the tax under discussion, that it appeared it was going to impact Huntsville

a little more than some of the other cities around the state. He stated that several months prior, they had been discussing the 10-year, \$450 million road package that had been carried over for years and years, for Huntsville and Madison County, and then had been pulled away. He stated that the State had said, "We don't have enough money," and things had tightened up a little bit. He stated that he had some old Alabama bonds that were purchased by his father the second time George Wallace was governor, in the 1980's. He stated that things had gotten tight, but the bonds kept paying the interest they were supposed to year in and year out. He stated that if State government made a commitment to a city, to taxpayers, it should keep its word.

Councilman Kling stated that they had already gotten hosed one time by the State, and that he felt a very important flag was being waved about the impact this would have on the ratepayers. He continued that it was regressive, similar to a sales tax. He stated that he certainly hoped that everyone got behind them on this.

President Russell stated that the next item on the agenda was Board Appointments to be Voted On.

Councilman Showers read and introduced a resolution to appoint James "Tony" Smith to The Educational Building Authority of the City of Huntsville, Alabama, Alabama A&M University, for a term to expire November 10, 2015, as follows:

(RESOLUTION NO. 15-200)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted.

President Russell read and introduced a resolution to appoint Kristen Bodeker to the Burritt Memorial Committee, for a term to expire October 1, 2016, as follows:

(RESOLUTION NO. 15-201)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

Councilwoman Robinson read and introduced a resolution to reappoint Byrom Goodwin to the Huntsville-Madison County Mental Health Board, Place No. 10, for a term to expire April 1, 2021, as follows:

(RESOLUTION NO. 15-202)

Councilwoman Robinson moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

Councilwoman Robinson read and introduced a resolution to reappoint Joann Moorman to the Huntsville-Madison County Mental Health Board, Place No. 11, for a term to expire April 1, 2021, as follows:

(RESOLUTION NO. 15-203)

Councilwoman Robinson moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted.

Councilwoman Robinson read and introduced a resolution to reappoint Elizabeth Smith to the Huntsville-Madison County Mental Health Board, Place No. 12, for a term to expire April 1, 2021, as follows:

(RESOLUTION NO. 15-204)

Councilwoman Robinson moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

Councilman Culver read and introduced a resolution to reappoint Connie Keltner to the Huntsville Tennis Center Board of Control, for a term to expire November 28, 2018, as follows:

(RESOLUTION NO. 15-205)

Councilman Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Kling read and introduced a resolution to reappoint Joyce LeDuc-Hampton to the Bingo Review Committee, for a term to expire April 8, 2017, as follows:

(RESOLUTION NO. 15-206)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted.

Councilman Kling read and introduced a resolution to reappoint Betty Gaylor to the Community Development Citizens Advisory Council, for a term to expire April 14, 2018, as follows:

(RESOLUTION NO. 15-207)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted.

Councilman Kling read and introduced a resolution to reappoint Barbara Fleming to the Community Development Citizens Advisory Council, for a term to expire April 14, 2018, as follows:

(RESOLUTION NO. 15-208)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted.

President Russell stated that the next item on the agenda was Board Appointment Nominations

Councilman Kling nominated William Tumminello for appointment to Bingo Review Committee, for a term to expire April 8, 2017.

Councilman Culver nominated James Bailey for reappointment to the Bingo Review Committee, for a term to expire April 8, 2017.

President Russell nominated Fred Rodrigue for reappointment to the Bingo Review Committee, for a term to expire April 8, 2017.

President Russell nominated Gayle Baslock for appointment to the Beautification Board, for a term to expire October 1, 2017.

Councilman Showers nominated Patricia King for appointment to the Community Development Citizens Advisory Council, for a term to expire February 14, 2018.

Councilman Showers read and introduced a resolution authorizing expenditures for payment, as follows:

(RESOLUTION NO. 15-209)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

President Russell asked Councilman Showers if there was a Finance Committee report.

Councilman Showers replied in the affirmative and recognized Mr. Randy Taylor, Finance Director.

Mr. Taylor stated that the only thing he had at this time was a quick update on the debt issuance plans. He stated that they had reported at the prior meeting what their status was on this and that the Council had actually approved an action that would allow the Mayor to proceed forward, subject to the Council's ratification of a final deal. He stated that, as he had indicated at the prior Council meeting, they had not done anything on this as of this time, noting that the prior action had been taken in the event something had occurred in this regard.

Mr. Taylor stated that they believed they would be ready to go into the marketplace the following week or the week after that, so that it would be prior to the next Council meeting, as

they saw it at this time. He stated that the action that had been taken by the Council to give the Mayor the authority to proceed on this would be what he would use to approve the deal. He stated that the market rates had improved somewhat, which he noted was good for the city, that it meant interest dollars would be saved over time. He continued that they were thinking they would reduce the amount of the issue somewhat, and stated that all of this was proceeding and they would make the Council aware of any further information on this.

Mr. Taylor stated that the most important thing that had happened since the prior meeting of the Council was that the ratings had been released by the City. He stated that the Mayor's office had made several press releases concerning this, noting that Moody's had issued a AAA rating for the City about 10 days prior, and that Standard & Poor's had followed a few days later and issued a AAA rating, as well. He stated that this was seven years in a row that the City had achieved this rating, through difficult times and those that had been better. He stated that they were very pleased with this, that they were pleased about what it said about Huntsville and also what it said about the management of the City. He continued that it would serve to reduce the cost of their projects and what they needed to do for the citizens, that it would reduce the taxpayers' costs.

Councilman Showers stated that in looking at the items that were for payment, he had some concerns about some of them.

He stated that he wanted to provide Mr. Taylor a list of descriptions and invoices, and that he would like for him to supply him with the billing tickets for each of the invoices. He stated that he could call them out to him at this time or he could do it on the following morning.

Mr. Taylor stated that if there were a number of these, it would be easier for him to get a list from Councilman Showers.

Councilman Showers stated that he had a list and that he would provide that to Mr. Taylor on the following morning.

President Russell stated that the next item on the agenda was Communications from the Mayor. He recognized Mayor Battle.

Mayor Battle stated that he would first like to make the appointment of Dan Sanders as the Interim Director of Traffic Engineering. He thanked Mr. Sanders for taking on this responsibility. He stated that Mr. Sanders was coming in after Mr. Richard Kramer's death, noting that this was being mourned by everyone in the City. He stated that there had been a lot of years of service by Mr. Kramer and that Mr. Sanders was stepping into big footsteps.

Councilman Showers asked if Mr. Sanders could stand and be recognized.

Mayor Battle asked Mr. Sanders to come to the microphone. He stated that he had been addressing the Council over the past several months, through Mr. Kramer's illness, and had done a great job.

Councilman Culver stated that Mr. Sanders had been very

instrumental in what they had going on in District 5 and that he certainly appreciated him coming out and helping resolve matters in his district. He stated that he hoped Mr. Sanders could find the time to help them out the following Tuesday, as well, or at least send a representative, for their town hall meeting on March 31, at 6 p.m., in Old Cobblestone.

Mayor Battle made the following reappointments:

Kimberly Ford as Supernumerary Member of the Board of Zoning Adjustment, for a three-year term to expire March 9, 2018.

Dr. Sam Eidt to the Animal Services Advisory Committee, for a term to expire September 8, 2015.

Jennie Hudson to the Animal Services Advisory Committee, for a term to expire September 8, 2015.

Mayor Battle stated that the Ringling Brothers Barnum & Bailey Circus was in town and that he had had the opportunity earlier in the day to eat lunch with the elephants. He stated that the circus was a great show and he encouraged persons to attend this event.

Mayor Battle stated that on the following Saturday, there would be the grand opening of Southside Park on Chaney Thompson Road. He stated that this was a new park that they had just been talking with Commissioner Riddick about, that they were doing in conjunction with the Madison County Commission, noting that it was great to have a partner like the Madison County Commission. He continued that Commissioner Steve Haraway had

come to the Council at its prior meeting and had given them a check to assist with the paving and road construction on the western side of the county, noting that this was also a partnership with Madison County and the Madison County Commission.

Mayor Battle stated that this was Youth Art Month and stated that at the Museum of Art there was some great art done by students in the Huntsville, Madison County, and Madison schools, and that persons should visit the Museum. He stated that there was also an exhibit of the original Audubon prints, noting that these were great paintings.

President Russell stated that the next item on the agenda was Communications from Council Members.

Councilman Culver stated that he had thanked Governor Bentley for his visit to Huntsville. He continued that persons who had lived in Huntsville for a long period of time were aware that Alabama, for all practical purposes, had not existed north of the Warrior River. He continued that Governor Bentley, however, had made several trips to North Alabama and stated that he was certainly looking forward to working with him, although they might not be in agreement on everything. He stated that for the district he represented, he had posed a question to the Governor related to the road money for widening 72 West from Providence to County Line Road. He continued that he felt confident that at some future time those monies would be back in the budget.

Councilman Culver stated that he liked some of the things the Governor had proposed, especially as it related to some of the taxes that were leaving the community that were not being taken advantage of, like some of the insurance companies who got \$40 million tax exempt. He stated that he did not know why this was happening when other insurance agencies were not getting this. He stated that he would not call these names. He stated that he also agreed with some of the other revenues that were to be generated, some of the things the banks were not paying that would generate a few million dollars per year. He stated that there were a lot of good things in the proposal. He stated that he was not aware if smokers were aware of this but that cigarettes would go up in the proposed plan by 82.5 cents per pack, which he noted could generate approximately \$205 million in the course of a year.

Councilman Culver stated that he wanted to switch his attention to another thing that had happened earlier in the day that was a good thing for Huntsville, and not just in District 5. He stated that Retired County Commission Chairman Mike Gillespie had been hired to lead the Master Plan in Cummings Research Park. He stated that this was a Board that he served on, as well, and noted that they had a lot of challenges, especially with Gateway, and Redstone actually wanting their subcontractors to be on post and/or closer to them. He continued that there had been some vacancies in Cummings Research Park. He stated that at one time the

occupancy rate was at about 97 percent, but that over the last year or so, it had dropped to about 85 to 87 percent. He stated that they saw that there was a need for them to go back and revisit, and perhaps revise.

Councilman Culver stated that when he said this, it did not mean they were going to change any of the zoning. He stated that he wanted people to not panic from that perspective, noting that they were just looking at trying to bring in more business and sustain the businesses that were there. He stated that he could not think of a better person than Mr. Mike Gillespie to lead this Master Plan.

Councilman Culver stated that on Tuesday, March 31, there would be his first town hall meeting of the year, from 6 p.m. until 7:30 p.m. He asked Mayor Battle and Mr. Hamilton to ask the applicable department heads, which he believed had already been identified, to come and help them out, or if they could not be in attendance, to perhaps send one of their designees. He stated that this meeting was open to the public and would be at 8565 Bellewood Lane, in the Olde Cobblestone Subdivision.

Councilman Kling stated that during the month of March, he had been doing his postcard survey that he had been doing for the last couple of years. He stated that this gave him an opportunity to hear from people on ideas, how to improve City government, things that they could do a little better. He stated that he had been distributing these at restaurants around the city, at fraternal lodges, at City Hall, et cetera.

He stated that this provided an opportunity for persons to give him their opinions, noting that he did not care what district they lived in. He stated that persons might have some ideas about some of the issues they were discussing at City Hall. He stated that one of the topics was needed street or drainage repairs. He continued that prior to the Council meeting, he had spoken with Terry Hatfield, Director of Public Works, and stated that Mr. Hatfield was aware that there were some street issues in the city, but that he was waiting until the cold weather was over and things dried out so that they could go in and make more permanent repairs.

Councilman Kling stated that on the third Monday of each month, he had his monthly town meeting and stated that all citizens were invited to attend, noting that it would be at 7 p.m. at the downtown Public Library.

Councilman Showers stated that on the following day, he would be representing the Mayor and the Council at the retirement ceremony of Captain Curtis Sanders with the Madison County Sheriff's Department, to be held at the Cahaba Shrine, 1226 Blake Bottom Road.

Councilman Showers stated that Robert Franklin, Jr., would be celebrating a birthday on the following Saturday and stated that he would be attending this, again representing the Mayor and the Council.

Councilman Showers stated that the annual meeting of the TARCOG Board of Directors would be at 6 p.m. on the following

Tuesday.

Councilman Showers stated that on April 2, Oakwood University would be honored, noting that they were having their annual UNCF Gala, at 5:30 p.m., that there would be a reception at the North Hall, and that on Saturday, April 4, he would again be representing the Mayor and the Council by bringing greetings to the Oakwood University Alumni Weekend.

Councilman Showers asked if the Chief of Police was present at the meeting.

Chief Morris appeared at the microphone.

Councilman Showers stated to Chief Morris that "The Huntsville Times" had made it very obvious that they had had some situations to happen in the prior week in the city that certainly saddened his heart. He asked if Chief Morris could provide a brief status of where they were concerning these incidents that had taken place a week prior. He stated that there had been several shootings and he was asking for a status on these shootings that had taken place in the city.

Chief Morris stated that between March 13 and 15 were the dates in question, noting that they had experienced a spike in shootings. He stated that in the majority of these, the individuals were not seriously injured and had transported themselves to the hospital. He stated that the victims in these cases had been largely uncooperative with the police. He stated that he could not say all the cases were related, but

some of the cases were related. He stated that they had determined this based upon information they had obtained from the public coming forward.

Chief Morris stated that he felt it was a very important thing to note that they had solved some of these cases and determined who the parties involved were. He continued that they had actually made two arrests earlier in the day on the shooting that had happened on March 17 on Union Drive. He continued that they had determined that that was connected to a shooting that had happened earlier, on the 15th.

Chief Morris stated that he was very proud they had a relationship with the public where they felt comfortable to come and provide the information that had resulted in their solving these cases. He stated that they had determined that in at least four of these incidents, there were the same individuals involved, and that some of the victims in one case were actually the offenders in others. He stated that they were working to resolve these cases at this time.

Councilman Showers stated that he wanted to announce at this time that they were delighted that the North Huntsville Business Association was alive and doing well. He thanked Councilwoman Robinson for her help and support with this organization, noting that very soon there would be a joint meeting of the South Huntsville Business Association and the North Huntsville Business Association.

Councilman Showers stated that the North Huntsville

Business Association had met on the prior day at the Lakewood Baptist Church and had had a tremendous turnout. He stated that the persons in attendance were concerned about all of Huntsville, and North Huntsville especially, concerning the dilapidation and empty buildings. He stated that, however, there were sites that they believed would be of interest, and that they were going to conduct a campaign to start displaying on social media the opportunities that existed in North Huntsville.

Councilman Showers stated that some of the members of their Economic Development Committee were present at the meeting at this time. He stated that he would like to commend Dr. Cleveland and Dr. Johnson, noting that they had been a tremendous asset in moving them to where they were at this time with the North Huntsville Business Association. He continued that Huntsville would be the beneficiary of these organizations, both the North Association and the South Association. He stated that they had some similar needs in both ends of the city.

Councilman Showers stated that he also wanted to thank the pastor of Lakewood Baptist Church, who had allowed them to use his facility each Wednesday at 2 p.m. for this meeting.

Councilman Showers stated that he had also attended the meeting earlier in the day where Governor Bentley had made comments about his campaign for making sure that Alabama would stay current financially. He stated that he was impressed with

some of the comments he had made and was certainly very delighted to have had the opportunity to hear him say some things that he thought were very positive for the future of Alabama.

Councilwoman Robinson stated that she would like to join the Mayor and others in thanking Commissioner Phil Riddick for the partnership with the City. She stated that she had had the opportunity to work with him on a number of projects and that he was truly a great partner and just a lot of fun to work with. She stated that the following Saturday, there would be the ribbon-cutting for Southside Park. She stated that her entire family was excited about this park, that her daughter was looking forward to the dog park, her son was looking forward to the disc golf course, and she was looking forward to having bathrooms on the Greenway. She continued that there was truly something for everyone.

Councilwoman Robinson stated that she wanted to offer her thanks and congratulations to Joe Roark and his team at Torch Technologies. She stated that she had attended their groundbreaking event on campus the prior week and stated that this was really an exciting project, not only opening up new corporate office space on South Parkway, but also a 350-seat conference center, which she noted would be a tremendous asset. She stated that it had taken a strategic risk and a strategic intent to make that investment in that particular location and stated that it really strengthened the South Parkway business

neighborhood. She stated that, as Councilman Showers had mentioned, there were great opportunities all along the Parkway, North Parkway and South Parkway, and stated that this was certainly an example of someone who was willing to make these investments to make the area grow.

Councilwoman Robinson stated that on April 14, there would be a meeting of the South Huntsville Business Association at 3 p.m. She stated that they would continue the conversations about what they could do to grow businesses and to continue economic development efforts. She stated that they were also putting together a survey for these businesses that was going to come out via email and stated that others might be interested in answering that, as well.

Councilwoman Robinson stated that on April 15, at 6 p.m., they were going to have a follow-up to the BIG Picture conversation that had been held the prior summer about the future of Ditto Landing. She stated that comments were taken, and that over the course of the prior few months, they had begun to see a wonderful, long-range plan that would really create a destination recreation site there along Ditto Landing. She stated that there had been conversations for years about why the City did not do something with Ditto. She continued that this was an opportunity to make it happen. She stated that everyone would be welcome to attend this meeting on April 15 at 6 p.m.

Councilwoman Robinson stated that in addition to great

things going on at Ditto, she had had the opportunity to visit the Botanical Garden and also the Art Museum to see great things that were going on. She stated that both organizations had benefitted from a long-range plan, just as Ditto would. She stated that these were all tremendous assets to the community, that she was excited about the programs she had seen and their plans for the future.

Councilwoman Robinson congratulated the Finance team of the City for the AAA bond ratings from Moody's and Standard & Poor's. She stated that when she had attended the National League of Cities, she had attended a session on bond issues and they had discussed AAA bond ratings. She stated that the comment had been made in that meeting as to how rare it was for a city to get a AAA bond rating, and that they had asked if there was anyone in the room from a city that had a AAA bond rating. She stated that there were three persons who had raised their hands, out of approximately 100 persons. She stated that it was a really, really unique thing to have that AAA rating and that it should not be taken for granted. She stated that she had noticed in the Moody's document a statement that if a municipality wanted to maintain this bond rating, there were some specific things they needed to do. She stated that there were steps that the City's Finance team took every day to protect this rating. She thanked all of them for the work they did.

President Russell stated that the Council would be having

a Personnel hearing on April 9 at 4 p.m. and also a Personnel hearing on April 16 at 5 o'clock. He continued that there would also be a Council meeting on April 9 at 6 p.m.

President Russell stated that the next item on the agenda was Unfinished Business Items for Action.

Councilman Culver moved for approval of Ordinance No. 15-155, amending Ordinance No. 89-79, Classification and Salary Plan Ordinance, to provide parity of compensation between positions within the Police and Fire Departments, which ordinance was introduced at the March 12, 2015, Regular Council Meeting.

Said motion was duly seconded by Councilman Showers.

Councilman Culver stated that the fire fighters were not able to be present for this meeting and that he had promised them that the Council would not consider this ordinance in their absence. He stated that, also, the Administration was looking at an audit.

Councilman Culver moved to table Ordinance No. 15-155, which motion was duly seconded by Councilman Kling and was unanimously approved.

President Russell stated that Ordinance No. 15-155 had been tabled.

President Russell moved for approval of Ordinance No. 15-156, amending Chapter 8, Article IV, Taxicabs and Limousines, of the City of Huntsville, Alabama, Code of Ordinances, which ordinance was introduced at the March 12,

2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-156)

Said motion was duly seconded by Councilman Kling.

President Russell asked Mr. Tommy Brown, Director of Parking and Public Transit, for an explanation of the above ordinance.

Mr. Brown stated that they had taken a rather comprehensive look at their Vehicle-for-Hire Ordinance. He stated that there were several things in the ordinance that they had tweaked, and that there were some fairly significant changes that he wanted to brief the Council on.

Mr. Brown stated that they had taken a particularly close look at the developing technology in the transportation field and had also taken a look at emerging needs in the community. He stated that these two things were their focus as they had gone through this.

Mr. Brown stated that the first new thing that would be added to the ordinance, if this was approved, was a dedicated wheelchair-accessible vehicle, noting that this was, generally speaking, a passenger van with a wheelchair lift that would allow transportation providers to provide transportation for disabled persons/senior citizens. He stated that as persons were living longer and staying healthier, it would allow them to remain independent. He stated that these transportation services would be for medical appointments, grocery shopping, and such things as that. He stated that there were already

several entities providing these businesses and that there were several in line to do so. He stated that he felt this was an important addition to the ordinance.

Mr. Brown stated that the second thing was luxury vehicles, also known as "Black Car Services." He stated that this was sort of an upgrade from a taxicab but lower than a limousine, that it was executive-type transportation services. He stated that they would be provided for travel to the airport, et cetera, for executive travel. He stated that these were by-the-hour services. He continued that they had persons who were wanting to get into this business that were waiting for this ordinance to hopefully be passed so they could fulfill this need in the community.

Mr. Brown stated that a special shuttle was the third category, noting that this was a small, bus-type vehicle. He stated that it would not be operated on a fixed route, and that they were 25-passenger-or-below type vehicles that would provide transportation for weddings, parties, special events, things such as that, noting that there was quite a demand for transportation for large groups of people. He stated that this was more along the line of a limousine the way it operated, that it was pre-arranged and charged by the hour, but it was a larger vehicle, that this was a little different type of service that he believed the community needed.

Mr. Brown stated that the third category was Transportation Network Vehicles. He stated that this category

included services such as Uber, Lyft, and SideCar. He stated that these types of services were not authorized under the current ordinance. He continued that if the Council passed this ordinance, they would be authorized to operate in Huntsville. He stated that they had looked at quite a few cities' ordinances and had spent a lot of time looking at this particular element of the ordinance.

Mr. Brown stated that there was no question that technology was changing in the transportation business, that there was no question that app-based services were going to be more prevalent, whether they be taxi-based app services, transportation network vehicle-based app services, or others. He stated that this ordinance would look at that specifically, to update, looking into the future, so that they could allow these services to operate in the city as they came forward and felt it was in their best interest, from a business standpoint, to do so.

Mr. Brown stated that there were two critical areas that they had looked at in this that were very important, with the first being public safety. He stated that they wanted to make sure that any services that operated considered public safety first and foremost. He stated that he believed they had done a good job in doing this. He stated that, secondly, they wanted to make sure that any services that operated would operate on a level playing field with other transportation providers that were currently operating.

Mr. Brown stated that if the ordinance was passed, it would authorize these four new services he had mentioned, noting that they felt these were important for the community.

Mr. Brown stated that he would be happy to answer any questions any of the Council members might have concerning this matter.

Councilman Kling asked Mr. Brown if there was anything in the ordinance that, even down the line, would make it more restrictive for taxicabs to get licenses for more vehicles, or more taxicab companies to come into the city.

Mr. Brown replied in the negative, stating that, actually, the ordinance would make it easier for taxicabs to add cabs to their service. He stated that the ordinance at this time authorized so many additional taxicabs for an existing service, and that this maintained that. He continued that the tweaks they had made on the taxicab side of this were relatively minor. He stated that they had met with taxicab company managers, and had met with other stakeholders, as well, and that the managers had a copy of the ordinance, and they had gone through it with them in a meeting. He stated that they had gotten a few responses and a bit of interest, but, seeing that there were no taxicab operators present at the meeting, he believed this was a good sign they were in agreement with this.

Councilman Kling asked if there was anything in the ordinance that would provide for more handicap-accessible taxicabs in the community. He stated that he believed he had

been told that there were just two or three for the entire community.

Mr. Brown stated that there was actually one taxicab that was wheelchair accessible. He stated that that was something that they would like to see more of. He continued that they had worked very closely with Phoenix Industries to get that vehicle in operation. He stated that all indications from that manager were that it had been very successful. He stated that, again, this was something they wanted to encourage, noting that it was a business decision the taxi companies had to make, as to whether that was a market they wanted to delve into.

Mr. Brown stated that one thing this ordinance did was the dedicated wheelchair-accessible vehicle, noting that while that might be a per-trip based cost, it was certainly something that was very similar to a wheelchair lift equipped taxicab. He stated that this would be adding additional services that would help the seniors and the disabled community.

Councilman Kling asked if it was correct that the taxicab companies and the City, as the licensing authority, had to comply with the Americans with Disabilities Act.

Mr. Brown stated that there were sections of the Americans with Disabilities Act that applied, but that there were also exemptions for private operators. He stated that he could not really speak specifically concerning that at this time. He stated that there were stringent requirements for the City relative to ADA in transportation, but it was much less so on

private providers.

Councilman Kling asked if this ordinance would hurt ridership on the shuttle bus system.

Mr. Brown stated that he did not believe it would hurt it at all. He stated that by providing more wheelchair-accessible vehicles, it might take some of the burden off of the Handi-Ride system, noting that they struggled to meet this demand on a daily basis. He stated that having other options available for people would certainly help them on that. He stated that it would just give people more options on the service. He stated that the shuttle system did not operate nights and weekends, and that he believed these vehicles would operate on nights and weekends, noting that if he were doing this, he would certainly do so. He stated that this was going to add some things to the mix that he believed would be a positive thing for the disabled community.

Councilman Kling stated that they had talked about night and weekend services, service to Chase Industrial Park, or whatever, but noted that there was nothing in this that would mandate that, that it was still private enterprise and their decision. He asked if it was correct that the City was not mandating that they provide that type service.

Mr. Brown stated that that was correct. He stated that this was the vehicle-for-hire ordinance which set out the rules and regulations under which private providers could operate and use the public streets for transportation.

President Russell complimented Mr. Brown on being proactive with these issues. He stated that he himself had never ridden in an Uber car but his children loved them and talked about them, that it appeared to be what the 20-to-30-year-olds all rode in. He stated that he knew that this company was a stakeholder in this and asked if he had been able to talk to them and get any feedback as to what they were looking for as far as regulations in the city.

Mr. Brown stated that they had had conversations with one of the transportation network vehicle companies. He continued that they had a business model under which they liked to operate, and that they had taken a look at that, as well as they had taken a look at other cities' ordinances, how other cities were responding to this, and that they had developed the ordinance that was before the Council at this time to the best of their ability, in order to ensure public safety yet allow the service to operate in the city. He stated that he believed they had accomplished that in this ordinance.

President Russell asked if any of the Council members had any other questions for Mr. Brown.

There was no response.

President Russell called for the vote on Ordinance No. 15-156, and it was unanimously adopted.

Mr. Brown stated that in addition to the taxi managers, Ms. Claudia Anderson from Legal had done the yeoman's work on this; and that John Hamilton, representing the Mayor's office,

had been deeply involved; as well as HPD, the Clerk Treasurer's office, and the Airport Authority. He stated that there were a lot of stakeholders that had been involved in this and that his department very much appreciated their help.

Councilman Showers moved for approval of Ordinance No. 15-157, amending Ordinance No. 89-79, Classification and Salary Plan Ordinance, which ordinance was introduced at the March 12, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-157)

Said motion was duly seconded by Councilwoman Robinson.

President Russell asked if there was any discussion concerning this ordinance.

There was no response.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

Councilman Showers moved for approval of Ordinance No. 15-158, amending Budget Ordinance No. 14-665, to modify the authorized strength in various departments, which ordinance was introduced at the March 12, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-158)

Said motion was duly seconded by Councilwoman Robinson.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

Councilwoman Robinson moved for approval of Ordinance No. 15-159, adopting new base map sheets 08-16, 10-02, 11-02,

12-03, and 12-14, to be made part of the official City of Huntsville, Alabama, Zoning Maps, which ordinance was introduced at the March 12, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-159)

Said motion was duly seconded by Councilman Culver.

President Russell asked if there was any discussion of the above ordinance.

There was no response.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

Councilman Showers moved for approval of Ordinance No. 15-160, annexing land lying on the east side of Research Park Boulevard and on the north side of Plummer Road, which ordinance was introduced at the March 12, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-160)

Said motion was duly seconded by Councilman Culver.

President Russell asked if there was any discussion concerning the above ordinance.

There was no response.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell moved for approval of Ordinance No. 15-190, approving street name change: Portion of Orchard Street and Hundley Drive from Oakwood Avenue south to Wheeler

Avenue to be renamed "Dr. Joseph E. Lowery Boulevard," which ordinance was introduced and postponed at the March 12, 2015, Regular Council Meeting.

Said motion was duly seconded by Councilman Culver.

President Russell stated that they had a talked a lot about this item and that he had met with concerned citizens and had met with the Planning Department and the Administration on this and that he felt there was a way to work this out with some time, so that they could honor both citizens and do it in a good way. He stated that they just needed some more time to work on this.

President Russell moved to table Ordinance No. 15-190, which motion was duly seconded by Councilwoman Robinson and was unanimously approved.

President Russell stated that Councilman Showers would be working on this, as well as the other Council members, and that this would come back through the Planning Commission. He stated that their intent was to honor both citizens and do it in the right way. He stated that he appreciated all the work Councilman Showers had put into this. He stated that as far as he was aware, everyone had very good intentions concerning this matter, that everyone was trying to do the right thing and that they were just working through it and this would be back before the Council.

President Russell stated that the next item on the agenda was New Business Items for Consideration or Action. He stated

that item 15.d, Resolution No. 15-199, had been passed by the Council earlier in the meeting and that item 15.i had been deleted from the agenda.

President Russell moved for approval of a request to fill the vacant Police Records Clerk positions to provide for authorized strength, which motion was duly seconded by Councilman Showers, and was unanimously approved.

President Russell read and introduced a resolution authorizing the Mayor to sign a plat entitled "McCrary Commercial Subdivision Phase 2," as follows:

(RESOLUTION NO. 15-210)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into agreements with the low bidders meeting specifications as outlined in the attached Summary of Bids for Acceptance, as follows:

(RESOLUTION NO. 15-211)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced an ordinance to amend Budget Ordinance No. 14-665 by changing appropriated funding for various departments, as follows:

(ORDINANCE NO. 15-212)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into a Mutual Nondisclosure Agreement with DIB ISAC, Inc., as follows:

(RESOLUTION NO. 15-213)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the City Attorney to settle the workers' compensation claim of Cristopher Cummings, as follows:

(RESOLUTION NO. 15-214)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Littlejohn Engineering Associates Company for Engineering Design Services for Roadway Improvements at Homer Nance Road and Winchester Road, Project No. 65-15-TI01, as follows:

(RESOLUTION NO. 15-215)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by

Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into a Real Estate Purchase Agreement between the City of Huntsville and Heritage Ventures, Inc., as follows:

(RESOLUTION NO. 15-216)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to execute Change Order No. 1 to the contract between the City of Huntsville and Reed Contracting Services, Inc., for Resurfacing of Residential Streets-2014, PH I, Project No. 65-14-RR02, as follows:

(RESOLUTION NO. 15-217)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and KorTerra, Inc., KorWeb Services, as follows:

(RESOLUTION NO. 15-218)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced an ordinance declaring Nine (9) Various Old Style Non-LED 3 Section Traffic Signals surplus and donating them to Huntsville City Schools, as follows:

(ORDINANCE NO. 15-219)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Showers and was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing condemnation proceedings to acquire certain parcels of property for the Greenbrier Parkway III Project, as follows:

(RESOLUTION NO. 15-220)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling.

President Russell asked Ms. Cates for an explanation of the above resolution.

Ms. Cates stated that the resolution authorized the City to proceed with acquiring and, if necessary, to proceed with condemning, under Section 18-1A-22 of the Code of Alabama, certain properties for rights-of-way and utility and drainage easements and temporary construction easements for the Greenbrier Parkway Phase III project. She stated that it authorized the Mayor to have the properties appraised and to proceed with the acquisition, as necessary, and the condemnation proceedings, as necessary, in order to acquire these easements and rights-of-way.

President Russell asked Mr. Davis if he had anything to add to Ms. Cates' comments.

Mr. Davis stated that he would answer any questions the Council members might have. He stated that this was a standard item they brought before the Council on large road projects, noting that it just allowed them to go through the process of ordering appraisals, making offers, and attempting to resolve these matters. He continued that if they could not do so, they would have to go to the condemnation proceedings.

President Russell asked if there were any questions concerning this resolution by the Council members.

There was no response.

President Russell called for the vote on Resolution No. 15-220, and it was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and 4Site, Inc., for Engineering Design Services for Freedom Technology Park, Project No. 65-15-SP20, as follows:

(RESOLUTION NO. 15-221)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson.

President Russell recognized Mr. Davis.

Mr. Davis stated that, as Councilwoman Robinson had mentioned, they had had a great announcement with Torch

Technologies, creating Freedom Technology Park. He stated that they would be investing more than \$7 million in South Huntsville, adjacent to Golf Road and Vermont Road and Chris Drive and along the Parkway and creating 200 jobs within the next five years. He stated that in negotiations Torch Technologies had considered not only Huntsville, Research Park or South Huntsville, but operations in Colorado and Florida, where they had satellite offices.

Mr. Davis stated that they had decided to make their corporate campus in Huntsville, and that as a part of that, the City had agreed to make improvements. He reiterated that this was the old Nichols Research campus and stated that a lot of the sidewalks and the landscaping within the public rights-of-way were in disrepair, and some just outdated. He continued that the City had agreed that they would make improvements to the public rights-of-way by updating sidewalks and landscaping. He stated that they would not be doing anything on private property and that these improvements would be capped at \$150,000.

President Russell asked if there were any questions by any of the Council members concerning this matter.

Councilwoman Robinson stated that she just wanted to again thank the City for partnering with Torch in order to make it possible for them to make this investment in the community.

President Russell called for the vote on Resolution No. 15-221, and it was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and MOVE Digital, as follows:

(RESOLUTION NO. 15-222)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by President Russell.

Councilwoman Robinson stated that she would recuse herself from voting on this resolution due to a professional association.

President Russell asked Mr. Harrison Diamond of the Administration for an explanation of the above resolution.

Mr. Diamond stated that this was for a contract with MOVE Digital to help them to better utilize social media for the various departments. He stated that at this time they had a lot of disparate accounts, not really done consistently, and that this was a way for them to attempt to improve their communications with the public through social media. He stated that this was where more and more of their discussions with the public were occurring at this time, and that this was to help them better utilize this.

President Russell inquired as to the amount of the contract.

Mr. Diamond stated that it was \$14,000, noting that it included various training for the departments.

Mayor Battle stated that there would be four to six

meetings per month, so they would be getting a lot for \$14,000.

President Russell asked if there were any questions or comments from the Council members concerning this resolution.

There was no response.

President Russell called for the vote on Resolution No. 15-222, and the following vote resulted:

AYES: Showers, Culver, Kling, Russell

NAYS: None

ABSTAIN: Robinson

Councilman Showers read and introduced an ordinance declaring certain equipment surplus and be disposed of at auction, as follows:

(ORDINANCE NO. 15-223)

Councilman Showers moved for approval of the foregoing ordinance, which motion was duly seconded by Councilwoman Robinson.

President Russell asked Mr. Hamilton for an explanation of the above ordinance.

Councilman Kling stated that he could ask the question he had concerning this matter. He asked if they were positive this equipment could not be somehow utilized.

Mr. Tommy Brown stated that these vehicles had a useful life and this one had extended its useful life. He stated that they did make the vehicles that were in good enough shape available for other community uses but stated that he would not recommend the one under discussion to anyone for use.

Councilman Kling asked Mr. Brown if he was aware of what the mileage was on the unit.

Mr. Brown stated that he could not say exactly, but that he would estimate it would be around 200,000 miles. He stated that there were actually some Federal requirements on the mileage before vehicles could be replaced and stated that they were within the guidelines. He stated that it was certainly a vehicle that they did not want to continue to use and that it would most likely be cost prohibitive for anyone else to use. He stated that they had vehicles that came out that were in better shape that they had made available, and would make available in the future, for other community uses.

President Russell asked if there was any further discussion of this matter.

There was no response.

President Russell called for the vote on Ordinance No. 15-223, and it was unanimously adopted.

President Russell stated that the next item on the agenda was Legal Department Items/Transactions.

President Russell read and introduced an ordinance authorizing the vacation of a portion of a Utility and Drainage Easement, Lot 1, L&N Retail Park, 10055 Memorial Parkway SW, as follows:

(ORDINANCE NO. 15-224)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Culver

and was unanimously adopted.

Ms. Cates submitted the following deeds for approval:

(DEEDS)

Whereupon, President Russell moved for approval of the foregoing deeds, which motion was duly seconded by Councilman Culver, and was unanimously approved.

President Russell stated that the next item on the agenda was Non-Roster Communications from the Public.

Ms. Jackie Reed again appeared before the Council, stating she had not received an answer to her earlier question about utility easements. She stated that in Old Town there were 10-foot easements so the trucks could run up and down through there, supposedly. She stated that, then, if someone in that area put a fence in, the utility trucks could not go up and down anymore, so they would go up to the next-door neighbor who had not put a fence up and drive up and down through their property, and then they would say they didn't have anything to do with it. She stated that she did not understand this issue and she did not know how many feet it was between two neighbors and a fence, before someone could put up a fence.

Ms. Reed stated that there were a lot of things going on in the city that she did not yet understand. She asked how they could get in to do their jobs if the easements were cut off. She stated that if there was a 10-foot easement, it belonged to two people, not one person.

Ms. Reed stated that she would like to know if anyone had

the cost for tearing down the Holiday Inn, noting that she would like to know the cost for this. She stated that they had paid \$6.8 million for this property and that it was most likely costing more than \$300,000 at this time, noting that they were tearing down the Scruggs Center and the Aquatic Center and that they were giving the developer a 99-year lease. She stated that this really concerned her. She continued that she was surprised that someone had not sued the City over this. She stated that they did not know the cost of the City property, they did not have an appraisal, that they were just giving the city away.

Ms. Reed stated that they were about to borrow \$90 million of new money. She asked that they quit giving the city away.

Ms. Reed stated, concerning Cummings Research Park, that the last time they had tried to change this name, she was at the meeting, and that now they were wanting to go in and change the zoning on it. She asked if that was so they could put more hotels and retail on it. She stated that with all the money they were giving away, they should stop borrowing money, that they should get their minds right. She stated that she was doing all she could concerning the situation but nobody was listening.

Councilman Kling stated that Public Works had been demolishing the old Hilton property, that it was being done in-house. He continued that he was aware there would still be tipping fees and other costs but that this was a good cost

savings, versus the City just contracting this out. He stated that he believed this needed to be recognized for the good work it was.

Mayor Battle stated that Ms. Reed had brought up that there was a \$6.8 million price for the Holiday Inn property and stated that this was correct, but that this had been paid back over the term, from the vendor who was working at the Holiday Inn. He stated that this had been paid back through the term of the lease, so that there was not a \$6.8 million cost to the citizens of Huntsville. He stated that this cost had been paid back by the use of the property, by the property working. He stated that the City's basis for that property was very, very low, and that at this time they were able to turn it into something that would have two hotels, retail, an office, and apartments.

Mayor Battle stated that if persons would like to see the success of such a development, they should visit the Twickenham development, noting that they most likely could not get in either of the new restaurants. He stated that this just showed a real need for this type of operation in the city, and especially in the downtown area. He stated that this was the same thing that they would see at the Holiday Inn site, as well as at The Avenue on Jefferson Street and Holmes Avenue. He stated that all this went together to create vibrancy in the area.

Dr. Clarence Johnson, 3302 Buttrey Drive, appeared before

the Council, stating that he would like to echo the words of Mr. Hayden, Mr. and Mrs. Lee, and Ms. Regina Colston with regard to the naming of a street after Joseph E. Lowery. He stated that he understood that this had been tabled and that the sentiments appeared to be that they wanted to try to work something out that would complement both requests concerning this issue. He asked that whatever they would work out, it would be something meaningful and not just one short block or something, but a meaningful street, rather than chopping up that one location. He stated that this was his recommendation to the Council.

President Russell asked if there was anyone else who would like to address the Council.

There was no response.

Upon motion, duly seconded, it was voted to adjourn.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER